

July 10, 2007

MINUTES OF THE CITY COUNCIL MEETING HELD JULY 10, 2007

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, July 10, 2007, at 5:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Steven R. Taylor, Mayor
Brenda S. Pelham, Vice Mayor
Christina J. Luman-Bailey, Councilor
Curtis W. Harris, Councilor
Kenneth B. Emerson, Councilor
E. Randy Sealey, Councilor
N. Gregory Cuffey, Councilor

John M. Altman, Jr., Interim City Manager
Edwin N. Wilmot, City Attorney
Ann M. Romano, City Clerk

Mayor Taylor opened the meeting at 5:39 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey	-	present
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	ABSENT (arrived 5:40 PM)
Councilor Cuffey	-	ABSENT (arrived 6:00 PM)

CLOSED SESSION

At 5:39 PM **motion** was made by Councilor Harris, and seconded by Councilor Emerson, to Convene into Closed Session to discuss Siting of a Prospective Business, Investment of Public Funds, HDC Suit/Exeter Property, Acquisition/Disposition of Property, Appointments to Boards and Commissions, and Personnel (Performance Evaluations: City Attorney & City Clerk) in accordance with Va. Code Sec. 2.2-3711 (A) (1) (3) (5) (6) & (7). Upon the roll call, the vote resulted:

Vice Mayor Pelham	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Mayor Taylor	-	yes

OPEN SESSION

At 7:30 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

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Councilor Bailey	-	out of the room
Councilor Harris	-	out of the room
Councilor Emerson	-	out of the room
Councilor Sealey	-	yes

REGULAR MEETING

Mayor Taylor opened the regular meeting at 7:30 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey		out of the room
Councilor Harris	-	out of the room
Councilor Emerson	-	out of the room
Councilor Sealey	-	present
Councilor Cuffey	-	present

Prayer was offered by Minister Eva Brown, Good Shepherd Church, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by Councilor Harris, and seconded by Councilor Sealey, to approve the Consent Agenda: **Minutes** Regular Meeting June 26, 2007; **Pending List; Information for Council Review:** [Hopewell Twinning Assn. minutes 6/18/07; Planning Comm. minutes 11/2/06, 12/7/06, Joint WS w/City Council 1/9/07, Regular Meeting & WS 3/1/07, Regular Meeting & WS 4/5/07; HRWTF Plant Activities Report 6/29/07; School Board agenda 7/9/07]; **Personnel Change Report; Financial Report; Public Hearings Announcements:** Set a PH on **8/14/07** - CUP Webb Homes, Inc. to build a single-family dwelling at 3503 Jackson Farm Road; **Routine Approval of Work Sessions:** none; **Ordinances on second and final reading: Ord. No. 2007-07** ordinance on second and final reading amending the City of Hopewell Subdivision Ordinance by amending Article 6, Preparation, Approval and Recording of Subdivision Plats, Section 6-9-10, to address the recommendations provided by the Chesapeake Bay Local Assistance Board; **Ord. No. 2007-08** ordinance on second and final reading approving the amendment to the City of Hopewell Zoning Ordinance by amending Article XVI, Site Plan Requirements, Section D-18, and adding Article XVI, Site Plan Requirements, Section D-23 to address the recommendations provided by the Chesapeake Bay Local Assistance Board; **Proclamations/Resolutions/Presentations:** none. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	out of the room
Councilor Cuffey	-	yes

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ORDINANCE NO. 2007-07

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF THE CITY OF HOPEWELL, VIRGINIA, BY AMENDING ARTICLE 6, PREPARATION, APPROVAL AND RECORDING OF SUBDIVISION PLATS, SECTION 6-9-10

BE IT ORDAINED BY THE COUNCIL of the City of Hopewell that Section 6-9-10 of the Subdivision Ordinance of the City of Hopewell, Virginia, governing the required inclusions in preliminary subdivision plats, be amended as follows:

- 6-9-10. A map showing the location of the proposed subdivision and/or land development with respect to any designated flood plain district, including information on, but not limited to, the one hundred (100) year flood elevation, boundaries of the flood plain districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions. *This map shall also delineate the Resource Protection Area (RPA) and the Resource Management Area (RMA) as required by the Chesapeake Bay Preservation Overlay District.*

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said subdivision ordinance shall remain unchanged and be in full force and effect.

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ORDINANCE NO. 2007-08

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF HOPEWELL, VIRGINIA, BY AMENDING ARTICLE XVI, SITE PLAN REQUIREMENTS, SECTION D-18 and BY ADDING ARTICLE XVI, SITE PLAN REQUIREMENTS, SECTION D-23

BE IT ORDAINED BY THE COUNCIL of the City of Hopewell that the Zoning Ordinance of the City of Hopewell, Virginia, be amended as follows:

BY AMENDING Article XVI, Site Plan Requirements, Section D-18 as follows:

18. ~~One hundred year floodplain limit studies as required by the Director of Development,~~ *The limits of established drainage ditches, manmade open channels, floodplains, preliminary wetland boundaries, conservation areas, the approximate location and surface area of BMP's, and the delineation of the Resource Protection Area (RPA) and the Resource Management Area (RMA) as required by the City's Chesapeake Bay Preservation Overlay District.*

BY ADDING Article XVI, Site Plan Requirements, Section D-23 as follows:

23. *Show the provision of clearly marked permanent Resource Protection Area (RPA) signage to be located at every lot along the RPA. The site plan shall also include a RPA sign detail, clearly depicting the design, dimensions, and color of the sign.*

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said zoning ordinance shall remain unchanged and be in full force and effect.

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PUBLIC HEARING - CONDITIONAL USE PERMIT - DUPONT GARDENS - LIBERTY AVENUE

The City of Hopewell received an application from Raymond Scott on behalf of Corey B. Shelton for a Conditional Use Permit to build a single-family two-story dwelling on Lots 7 & 8, Block 5, Dupont Gardens, Section 2, also known as Sub-Parcel #350020.

Raymond Scott, on behalf of Corey B. Shelton, submitted a request for a Conditional Use Permit in accordance with Article IV, Section I, R-2, Medium Density Residential Zoning District, of the Hopewell Zoning Ordinance, which states, "For property consisting of less than seven thousand five hundred (7,500) square feet but five thousand (5,000) or more feet and/or less than seventy-five (75) feet but fifty (50) feet or more of frontage, an applicant may appeal to City Council for a Conditional Use Permit as allowed in Section XVIII of the Zoning Ordinance for approval to construct a single-family dwelling on such lot in accordance with the procedures given in section XVIII of the Zoning Ordinance." The property is located on Liberty Avenue approximately 176 feet from its intersection with Jones Avenue and is currently zoned R-2, Medium Density Residential. The property is identified as Sub-Parcel #350020. The applicant has submitted a request for a conditional use permit to construct a two-story, 1,430 square foot single-family dwelling, with three (3) bedrooms, two-and-a-half (2.5) baths on Sub-Parcel #350020.

Staff recommended approval of the request and reminded City Council that it may impose conditions upon the approval of the request as it deems appropriate. Similar requests for Conditional Use Permits have been considered and granted by City Council in the past. Council may wish to impose the following set of conditions:

1. The proposed single-family dwelling shall have a brick foundation on all four (4) sides. A brick foundation consists of foundation block from the block work to the first floor elevation with brick veneer.
2. The proposed single-family dwelling shall have a brick porch. A brick porch includes the steps, treads, risers, floor and side veneer. A brick porch consists of a concrete porch. The porch should be enclosed from the ground level to the finished floor elevation with block and brick enclosure.
3. The proposed single-family dwelling shall be constructed with brick and vinyl siding. Brick should be incorporated into the front building façade.
4. All accessory structures shall be located only in the rear yard.
5. The proposed single-family dwelling shall have a minimum of 1,430 square feet of finished living area.

Vice Mayor Pelham mentioned that in November 2006 Council discussed that the Planning Commission would review such requests before coming before City Council. Mr. Altman responded that the Planning Commission reviewed an ordinance last Thursday (July 5, 2007) and will take action at their August meeting and will come before City Council for its approval. The Planning Commission would be viewers and make recommendations to City Council. They would hold a public hearing and Council would also hold a public hearing.

Before the public hearing was opened, Mayor Taylor paused to introduce Edwin C. "Ed" Daley, City Manager. Council, staff and the audience stood and applauded in welcome to the City of Hopewell. Dr. Daley made a few brief remarks.

The public hearing was opened at 7:42 PM. There were no speakers and the public hearing was closed at 7:42 PM.

Councilor Bailey inquired about any possible drainage issues. Mr. Altman indicated that those issues are typically addressed by the Building Official during the final construction process.

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Motion was made by Councilor Harris, and seconded by Vice Mayor Pelham, to approve an ordinance on first reading approving a Conditional Use Permit to build a single-family two-story dwelling on Lots 7 & 8, Block 5, Dupont Gardens, Section 2 on Liberty Avenue in Ward 6, with conditions: (1) The proposed single-family dwelling shall have a brick foundation on all four (4) sides. A brick foundation consists of foundation block from the block work to the first floor elevation with brick veneer; (2) The proposed single-family dwelling shall have a brick porch. A brick porch includes the steps, treads, risers, floor and side veneer. A brick porch consists of a concrete porch. The porch should be enclosed from the ground level to the finished floor elevation with block and brick enclosure; (3) The proposed single-family dwelling shall be constructed with brick and vinyl siding. Brick should be incorporated into the front building façade; (4) All accessory structures shall be located only in the rear yard; and, (5) The proposed single-family dwelling shall have a minimum of 1,430 square feet of finished living area. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

PUBLIC HEARING - AMEND/CHANGE SEC. 25-4 (CURFEW OF CERTAIN MINORS) OF THE HOPEWELL CITY CODE

Councilor Cuffey proposed, for Council consideration, an amendment to Section 25-4 (Curfew of certain minors) of the Hopewell City Code in accordance with Virginia Code § 15.2-926 to lower the curfew for any child (17) years of age or younger between 10:00 PM and 6:00 AM.

Interim Police Chief Stanley presented a report to Council that provided the City of Hopewell “Juvenile Other” CFS Locations 1/1/07 through 6/30/07; Yearly Comparison 2005-2007; and Time of Day 1/1/07 through 6/30/07 with the 12:00 AM curfew (filed in the City Clerk’s office).

The public hearing was opened at 7:50 PM.

Tommy Wells, 1002 Smithfield Avenue, Hopewell spoke on behalf of his grandson who was unable to attend the public hearing. His grandson lives near Hardee’s near Oaklawn Boulevard and his job requires that he goes to sleep early. There are lots of juveniles making noise in the area. He agrees with the 10:00 PM curfew. Mr. Wells also agrees with the 10:00 PM curfew.

Tracy Webster, 223 North 16th Avenue, Hopewell, voiced problems with children even younger than six years old. She is concerned about investment. She is a nurse and works at odd hours. She lives near the 7/11. She was told that she could take action against the store owner for people loitering in the area.

There being no other speakers, the public hearing was closed at 7:55 PM.

During discussion Chief Stanley encouraged citizens to call the Police Department right away whenever there is a disturbance. In addition to the juveniles being charged, the parents could also be charged. If a juvenile is picked up and there is no adult at home, CPS (Child Protective Services) would become involved. There was discussion of “tiering” the curfew -- perhaps leaving the midnight curfew for 16 and 17 year olds, and 10:00 PM for those under 16. Further discussion addressed increased police surveillance of children of various ages on the streets during late night hours. Also, it is difficult for police

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officers to determine the age or sex of a juveniles at first glance. Councilor Cuffey shared the results of his discussions with the Sheriff who asked that Council offer some possible solutions and consider identification of some type for children. (Chief Stanley pointed out that 16- and 17-year olds can get an ID from the Department of Motor Vehicles.) Avon Miles suggested student dances and chaperoned activities. Regarding enforceability, as of three weeks ago there are some summer enforcement programs. Four police officers are working on this throughout the City. Citizens must make the calls to the Police Department at the first sign of disturbance. City Council saw this as an excellent tool to address gang activity in Hopewell. It was suggested that when school opens there be some coordination with the middle school. Educate the public about the new ordinance. Mayor Taylor thanked staff for the report. Regarding educating the public, he asked that the information be included in the City's next newsletter.

Motion was made by Councilor Cuffey, and seconded by Councilor Sealey, to approve an ordinance on first reading amending Sec. 25-4 (Curfew of certain minors) of the Hopewell City Code in accordance with Va. Code § 15.2-926 to lower the curfew for any child younger than sixteen (16) years of age between 10:00 PM and 6:00 AM. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

COMMUNICATIONS FROM CITIZENS

Pat Burkhardt, 2700 Princess Anne Street, Hopewell, has not seen too many crowded tennis courts in Hopewell. Regarding curfews of 10:00 PM, 11:00 PM, 12:00 AM - they seem to be sending a confusing message. The new curfew(s) should be made very clear. She agrees with the proposal and the 10:00 PM curfew should be strictly enforced. She also encouraged addressing issues such as drugs. The new curfew sends a strong message. It would be good to partner with some of the businesses that stay open after 10:00 PM to discourage loitering.

PRESENTATION - HOPEWELL REDEVELOPMENT & HOUSING AUTHORITY (HRHA)

Martin Blaney, Director of the Hopewell Redevelopment & Housing Authority gave a brief presentation. The Authority was established in 1939 with a seven member Board of Commissioners. There are six public housing developments in the City of Hopewell with funds provided by HUD (Federal Department Housing and Urban Development). Piper Square is the newest development built 26 years ago. There are 247 Section 8 vouchers within the City; more than that cannot be issued. Enough funding is provided for 238. In 1997 DuPont Gardens was closed and demolished. There are long waiting lists for all of the public housing developments. Section 8 is measured in years. All applicants must have incomes and must have (and pass) criminal history checks. Preference is given to Hopewell residents and rent is based on income. There is a zero tolerance policy for drugs and violence, and the HRHA cooperates with all law enforcement. The Federal Government is backing away from its commitment regarding public housing. They have cut approximately \$400,000 per year in capital funds.

DISCUSSION: The minimal rent requirement is \$50 per month or 30% of adjusted gross income. The total annual budget of the HRHA is \$3.5 Million. The agreement with HRHA regarding the Bluffs will be signed on July 11, 2007. In Harrisonburg there have been opportunities on the redevelopment side to generate funds for redevelopment. In contrast, Thomas Rolfe Court has cultivated crime. If there were redevelopment to replace Thomas Rolfe Court, the Housing Authority would do that but there is no

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funding at this time. There would be tax exempt issuances, etc. It could not be done without a partnership with the local jurisdiction. The question was raised about whether or not it would be advantageous to explore redevelopment of Thomas Rolfe Court. When each public housing project was built in Hopewell the Federal government paid for construction costs. Land purchase was part of development costs. Each property would be owned by the Housing Authority but controlled by HUD. A subsidy is based on the number of units available. That subsidy, as well as the rent, determines the budget for HRHA. There are no grants available to change any of the housing to townhouses. Regarding the status of Langston Park, four units have been demolished. Four other units are being vacated and prepared for demolition. The project is being funded by CDBG. There are many more units that are "moving." There are two to four units that will become problems; but they are safe for now. There are interior cracks, problems with doors, foundation cracks, etc. It will cost hundreds of thousands of dollars to save these buildings. The long-range plan is to replace those units with a development that is modest in scale with state-of-the-art housing, planned for five to eight years from now. The funding scheme is tax exempt issuances. In the 1970's the HUD Department of Community Development had money available for towns and cities to invest in their downtowns. Hopewell used the Housing Authority to acquire some of those properties. They cooperated with the city to be the instrument. The intention all along was to revert back to the City eventually.

PRESENTATION - INDUSTRIAL DEVELOPMENT AUTHORITY

There was no report.

PRESENTATION - LIBRARY BOARD (ARLS)

Scott Firestine, Director, Appomattox Regional Library System reported on the completion and relocation of the new library. The Board of Directors selected him as director after the recent retirement of Charles Koutnik in March 2007. Mr. Firestine has eight years experience with the ARLS and prior additional experience in Ft. Wayne, Indiana. He has a Bachelor's Degree as well as a Master's Degree. The Hopewell, or Maude Langhorne Nelson, Branch of the ARLS has information technology, internet access as well as core library services. He assured City Council that the same full-time staff, with the addition of a few part-time staff members, would be able to provide services in the new library space.

Mr. Firestine discussed the John Randolph Foundation Endowment Campaign. Interest from those funds are turned over to the library for technology, services and staff. The goal is to reach \$1 million. Right now the total is \$395,000 reached in the past three years. Prince George and Dinwiddie Counties also contribute to the local funding of the ARLS budget.

UNFINISHED BUSINESS - ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF LAVINDALE STREET BETWEEN SOUTH 1ST AND SOUTH 2ND AVENUES

City Attorney Ted Wilmot reported that he reviewed and approved the draft deed regarding the vacation of a portion of Lavindale Street between South 1st Avenue and South 2nd Avenue.

Motion was made by Councilor Harris, and seconded by Vice Mayor Pelham, to adopt Ordinance No. 2007-9 on second and final reading, authorizing the vacation of a portion of the right-of-way known as Lavindale Street (also known as Lavendale Street and also known as Lovendale Street) that lies between South 1st Avenue and South 2nd Avenue, South B Village, Hopewell, Virginia. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes

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Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

ORDINANCE NO. 2007-09

An Ordinance authorizing the vacation of a portion of the right-of-way known as Lavindale Street (also known as Lavendale Street and also known as Lovendale Street) that lies between South 1st Avenue and South 2nd Avenue, South B Village, Hopewell, Virginia.

WHEREAS, a request has been filed with the City of Hopewell to vacate the City's interest in a portion of the right-of-way known as Lavindale Street (also known as Lavendale Street and also known as Lovendale Street) that lies between South 1st Avenue and South 2nd Avenue, South B Village, Hopewell, Virginia bounded on its northerly side by Lot 1, Parcel F, South B Village; on its easterly side by the westerly right-of-way line of South 1st Avenue; on its northerly side by Lot 1, Parcel I, South B. Village; and on its westerly side by the easterly right-of-way line of South 2nd Avenue.

WHEREAS, the Planning Commission of the City of Hopewell has recommended granting the requested vacation;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that the following described rights-of-way located in the City of Hopewell, Virginia:

portion of the right-of-way known as Lavindale Street (also known as Lavendale Street and also known as Lovendale Street) that lies between South 1st Avenue and South 2nd Avenue, South B Village, Hopewell, Virginia bounded on its northerly side by Lot 1, Parcel F, South B Village; on its easterly side by the westerly right-of-way line of South 1st Avenue; on its northerly side by Lot 1, Parcel I, South B. Village; and on its westerly side by the easterly right-of-way line of South 2nd Avenue, as shown on the attached plat dated May 23, 2007, attached hereto and made a part hereof, be vacated and abandoned, and doth hereby authorize the Mayor to execute, on behalf of the City of Hopewell, Deed(s) of Vacation after review of said deed(s) by the City Attorney.

This Ordinance shall become null and void and of no effect if it is not recorded together with all deed(s) of vacation in the Clerk's Office of the Circuit Court of the City of Hopewell within 30 days from passage of this Ordinance, or if the involved property owner(s) do not meet all costs. The party or parties requesting this vacation are responsible for preparing the appropriate deed(s) to effect vacation, and submission of said deed(s) to the City Attorney for approval prior to execution and recordation. The vacated parcels shall be assimilated into, and become a part of, the abutting property. The party or parties requesting this vacation are responsible for effecting any resubdivision process necessary to accomplish assimilation. A copy of this Ordinance shall be sent to said parties by the Clerk of the City of Hopewell.

CITIZEN/COUNCILOR REQUEST – COUNCILOR CUFFEY - ETHANOL PLANT DISCUSSIONS

Councilor Cuffey requested that Council continue discussion to move forward with negotiations with HDC LLC, to free the property of litigation, do what is legally necessary for Osage to have a clear path to the Exeter property and to authorize/direct the City Attorney to act accordingly.

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Councilor Cuffey received a letter from the Office of the Governor of the Commonwealth of Virginia. He asked the City Clerk to read it into the record,

COMMONWEALTH OF VIRGINIA

Office of the Governor

June 25, 2007

Patrick O. Gottschalk
Secretary of Commerce and Trade

Mr. Greg Cuffey
1612 Old Iron Road
Hopewell, Virginia 23860

Dear Mr. Cuffey:

Thank you for your recent email to Governor Kaine in regards to locating ethanol plants in Virginia and particularly Hopewell. The Governor has asked me to respond on his behalf.

Virginia has a strong interest in both the use and production of ethanol, and looks for opportunities to support ethanol projects. Bringing ethanol production and an alternative fuel industry to the Commonwealth is a key strategy in Virginia's energy policy. Virginia possesses a number of advantages that make it a strategic location for the industry. They include built-in markets (over 350 million gallons per year in Virginia alone), university level research and development of new production technologies and feedstock alternatives (barley, switchgrass, municipal solid waste), and agricultural resources. Ethanol plants represent a significant economic development opportunity for Virginia farmers and the communities near the plant location.

We have been working with a number of ethanol plant prospects and have found the biggest barrier to be locating an available site with the right mix of market access, available work force, support industry, and infrastructure (energy, water, and transportation). With respect to Hopewell, your city clearly meets all the criteria and has been identified as a prime location. If your city has a site in mind and an interested production plan prospect, I strongly encourage you to pursue the opportunity. If you need assistance or would like more information, please contact Mr. John Warren at the Department of Mines, Minerals and Energy, 804-692-3216 or Mr. Mike Carruth at the Virginia Economic Development Partnership, 804-545-5747.

We appreciate you sharing your thoughts and interests with us.

Sincerely,

Patrick O. Gottschalk

Cc: Mr. John Warren
Mr. Mike Carruth

Patrick Henry Building * 1111 East Broad Street * Richmond, Virginia 23219 * (804) 786-7831 * Fax (804) 371-0250 * TTY (800) 828-1120

Councilor Cuffey continued that this does not mean that the ethanol plant will break ground tomorrow. Hopewell's motto used to be, "*Hopewell Means Business.*" Discussion has been open and public. Everyone will probably not be happy by this action. There are signs of development all around. Industry supports the community. This project could bring \$2 million to expand our tax base. We have learned; discussed; visited; talked; and spoken to industry leaders.

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Motion was made by Councilor Cuffey, and seconded by Vice Mayor Pelham, to authorize and direct the City Attorney temporarily stay the litigation with HDC and the Put and Call provision, direct the City Manager to negotiate an amendment to the Exeter Redevelopment Agreement, amend the Agreement to allow an ethanol plant as an acceptable alternative development, and to have the negotiations wrapped up before the necessary measures for final approval are taken.

Councilor Emerson raised a point of order stating that all City Council members should have received a copy of the text from which Councilor Cuffey was reading the motion.

Mayor Taylor called for a five minute recess to get copies of the motion for all members of City Council.

After a brief recess, Council reconvened the meeting.

Councilor Emerson indicated that amending the agreement with HDC could have been done by the City Attorney, subject to approval of City Council. It did not need to come before Council. He maintained his opinion that ethanol is great but not at this site.

A **substitute motion** was made by Councilor Emerson, and seconded by Councilor Harris to place all litigation on hold with HDC LLC, have the City Manager negotiate an amendment to the contract with HDC, and come back to City Council with the results of the negotiation in two weeks.

Mayor Taylor supported the motion and gave administration maximum flexibility. In closed session puts Council in a bad position legally. The motion and the substitute motion allow Council to move forward.

Vice Mayor Pelham did not support the substitute motion. In July 2006 there was a long motion read about what to do with the Police Chief position. That motion was not made available to all City Council members. In September 2004 another long motion was read, with no copies to Council members. At least Councilor Cuffey discussed the motion with fellow Councilors, in closed session and open session. She cautioned Council to remember history - when they tied the hands of the former City Manager.

Councilor Cuffey discussed this fully in closed session prior to coming out in open session. He made amendments to his motion between the closed session and the open session to make it more agreeable to more Council members. The reason for litigation over this property is due to misunderstanding between the developer and the previous City Council. To amend the agreement seems very necessary to be sure that such a misunderstanding does not occur a second time.

The City Attorney had asked Council not to do this. The substitute motion allows administration to do their job and bring it back to Council. He has asked Council to let administration do their job, and to negotiate and consider possible amendments in the proper way.

Councilor Cuffey removed part of the motion that if the ethanol falls through, the contract would revert back to litigation. He was asked to take that out of his original motion. The City Manager interjected that that would come back to Council with anything administration brought back before them. Mayor Taylor emphasized that the City Attorney told Council that if they voted for the ethanol plant, they would lose negotiation abilities; lose the total time line with HDC. Council should just send administration to do their job without the motion. If we really want to work a deal, we should go in that direction. The City Attorney was hired to advise Council legally. He has already advised that if we go into this situation with this motion that we will have our hands tied. If this company seeks not to locate in

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Hopewell, then we are open for several suits from the developer. Suits that we have already won. That will cost a lot of money. Someone mentioned \$2 million if ethanol comes to Hopewell. If we go this route it will cost us more than \$2 million because it will keep on happening. Councilor Harris told fellow Council members that he will not agree on this issue. We just hired a new City Manager. Why would we burden him? Why are we continuing to put burdens on people who are representing us in the City? There has been a lot of paperwork passed out. He hopes that we look at this matter clearly. It seems that there are four votes in favor of it. In order to pass this motion some other things will have to happen.

Councilor Cuffey was asked to consider amending his motion: negotiations cannot be used against us if we revert back to the townhouse amendment. Would we like to hear from someone in the audience and why that is such a sticking point.

Vice Mayor Pelham voiced her feeling of distrust among Council as demonstrated over and over again. There is no consistency. Councilor Cuffey came forth with his motion, informed and discussed it in every manner that it could have been.

Upon the roll call on the first **substitute motion** made by Councilor Emerson, and seconded by Councilor Harris to place all litigation on hold with HDC LLC, have the City Manager negotiate an amendment to the contract with HDC, and come back to City Council with the results of the negotiation in two weeks, the vote resulted:

Councilor Bailey	-	NO
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	NO
Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO
Councilor Cuffey	-	NO

A **substitute motion** was made by Councilor Sealey, and seconded by Councilor Bailey, to authorize and direct the following:

1. Temporarily stop all litigation with HDC, LLC including the stay of the put and call.
2. Negotiations to begin between the City Manager and the Economic Development Committee (which is the City Council) and HDC LLC, to amend the contract to change requirement from big box/retail/"Wal-Mart" to Ethanol Industry.
3. Negotiation to be wrapped up prior to the required proceedings for approval.

Councilor Sealey stated that we have an opportunity before us. He wants to be able to look towards the future, and move this forward. He went to Kentucky himself and went to a farmer and sat in his home and talked with him. He was ready to hear all the bad comments. The farmer lived between 200-300 yards from the ethanol plant in Hopkinsville. He looked for reasons not to support this but could not find them. He hopes this brings Council together. He urged Council to be proactive and build the city back up.

Mayor Taylor indicated that the motion does not tie the hands of Council. He supports administration to go forward and enter negotiations. He had safety concerns about the plant. Councilor Bailey made it clear that Council is putting this forward in good faith and does not want to repeat what happened with the townhouse proposal.

The City Attorney recommended allowing the City Manager to negotiate with HDC and OSAGE any change from the "big box," and to embody the negotiated terms in a written agreement that would come before Council. The Economic Development Committee will be informed during the process.

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Mayor Taylor suggested to Council that the City Manager be the only contact with HDC and with OSAGE. Let the negotiators negotiate. The City Manager pointed out that the City Council is not in full agreement themselves. He will take charge and will keep Council and the Economic Development Committee fully informed. There must be only one contact.

Upon the roll call on the second **substitute motion** made by Councilor Sealey, and seconded by Councilor Bailey, to authorize and direct the authorize and direct the following:

1. Temporarily stop all litigation with HDC, LLC including the stay of the put and call.
2. Negotiations to begin between the City Manager and the Economic Development Committee (which is the City Council) and HDC LLC, to amend the contract to change requirement from big box/retail/"Wal-Mart" to Ethanol Industry.
3. Negotiation to be wrapped up prior to the required proceedings for approval, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	NO
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO
Councilor Cuffey	-	yes

CITIZEN/COUNCILOR REQUEST - COUNCILOR BAILEY - PLANNING COMMISSION

Motion was made by Councilor Bailey, and seconded by Vice Mayor Pelham, to request that the Planning Commission revisit the Downtown Plan and schedule a Public Hearing.

Mayor Taylor opposed the motion. He voiced concern for investors who are interested in investing in Hopewell. Such action would send a bad message. Councilor Bailey disagreed and felt that a bad message has been sent for the past four years, since two Councils ago. Any good business plan is subject to review on a regular basis. Changes in bits and pieces confuse everyone -- the streetscape is a good example.

Councilor Harris stated that the Downtown Plan has been on going for sometime. There have been many changes made before; and more will be made. He is not willing to go into the plan when we have some good prospects of persons who want to invest in the City of Hopewell. Council passed a resolution to build a hotel on the waterfront. That is part of the plan. People will not have any confidence in Hopewell if we do not follow the plan. He is opposed to the wholesale changing of the plan.

Vice Mayor Pelham feels that it makes sense to revisit the plan to update it.

Councilor Cuffey indicated that Council did not make any changes. It would be for the purpose of getting an update to see where we are, and get some public input.

Councilor Emerson favored using our present committees, including the Downtown Partnership Committee and the Library Committee, which should be the eyes and ears of the downtown. Another public hearing is not necessary and should not be held. We may need to reconstruct the Downtown Partnership Committee. Businesses that moved out of downtown are now thinking of moving back in because of the plan as it is.

Councilor Sealey is interested in putting something on the river. It could be perceived that we could scare some people away by revisiting the plan.

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Councilor Bailey mentioned that Councilor Cuffey and Vice Mayor Pelham are not suggesting wholesale changes. She is on the committees to which Councilor Emerson referred. There is confusion, and downtown merchants have mixed feelings. Many people are not familiar with the Downtown Plan.

Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	NO
Councilor Emerson	-	NO
Councilor Sealey	-	NO
Mayor Taylor	-	NO
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

The motion failed.

REGULAR BUSINESS – ARLS - REVISED SERVICES CONTRACT

Scott Firestine, Director of the Appomattox Regional Library System (ARLS), presented the reviewed services contract for review by the City Attorney. Mr. Wilmot reviewed and approved the proposed revisions. The contract will replace the 1984 version of the ARLS Services Contract and has been reviewed by Mr. Wilmot. The primary changes are that the locality's funding formula will be based on that locality's usage rather than on a set formula and the Board of Trustees has been streamlined.

Motion was made by Councilor Harris, and seconded by Councilor Emerson, to authorize City Manager Edwin C. Daley to execute the revised ARLS Services Contract. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

REGULAR BUSINESS – DR. LAURANETT LEE - "MAKING THE AMERICAN DREAM WORK: AFRICAN AMERICAN HISTORY IN HOPEWELL, VIRGINIA"

On June 25, 2002, Councilor Harris requested that Council allocate \$1,000 to research African/American history in the City of Hopewell. Kit Weigel had already provided early research and completed Phase I of the project. On October 8, 2002, Council authorized the City Manager to execute an agreement with Dr. Edgar A. Toppin, Professor of African/American History at Virginia State University to undertake Phase II of the History of African/Americans in Hopewell, Virginia. Dr. Toppin became ill and in February 2004 was no longer able to continue working on the project. On November 9, 2004 Council approved Dr. Luranett Lee, Curator of African/American History at the Virginia Historical Society, to complete the project. She provided updates to City Council on May 24, 2005, September 13, 2005, February 28, 2006, June 27, 2006, and September 2006.

Dr. Luranett Lee was commissioned to complete the African American history project, and presented the completed assignment to City Council. She presented the final copy of her commissioned work - *"Making The American Dream Work: African American History in Hopewell, Virginia,"*

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Dr. Lee reported on the publisher, distribution centers, and possible website. The final draft is ready to be sent out for editing. There is an additional cost for footnotes and she will check on that cost. There is an additional cost of \$4.00 per page for indexing and there are 288 pages, plus 11 images.

In response to Councilor Bailey's question, the oral interviews are possibly located at the College of William and Mary. There was an idea to have an oral piece of some of the downtown story boards. Councilor Bailey suggested that perhaps the City could help Dr. Lee do more oral histories before losing the living history.

Mayor Taylor thanked Dr. Lee for all of her work, and he voiced his excitement at being able to make it available to the public.

Motion was made by Councilor Cuffey, and seconded by Councilor Harris, to resolve to accept the final copy of Dr. Laurant Lee's commissioned work, *"Making The American Dream Work: African American History in Hopewell, Virginia."* Upon the roll call, the vote resulted

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

REGULAR BUSINESS – HOPEWELL POLICE DEPARTMENT - 2007 JUSTICE ASSISTANCE GRANT (JAG)

The Bureau of Justice Assistance (BJA) announced the availability of Justice Assistance Grant (JAG) funds for the City of Hopewell in the amount of \$29,141 on May 1, 2007. A match is not required for JAG funds. JAG funds are intended for use in six (6) purpose areas: law enforcement programs, prosecution and court programs, prevention and education programs, corrections and community corrections programs, drug treatment programs, and planning, evaluation and technology improvement programs. The Bureau of Police intends to use the allocated funds to purchase equipment to be used by the Critical Response Team, to fund enforcement action team overtime, and to fund education and training opportunities in support of patrol functions.

Motion was made by Councilor Harris, and seconded by Vice Mayor Pelham, to resolve to authorize application for the Justice Assistance Grant (JAG) funds for the City of Hopewell in the amount of \$29,141 to purchase equipment to be used by the Critical Response Team, to fund enforcement action team overtime, and to fund education and training opportunities in support of patrol functions. Upon the roll call, the vote resulted

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

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REGULAR BUSINESS - ORDINANCE AUTHORIZING TREASURER TO ISSUE SMALL REFUNDS OF ERRONEOUSLY ASSESSED TAXES

The City Attorney has requested that City Council delegate authority to the Treasurer to approve and issue refunds up to \$2,500.00 each of erroneously assessed taxes. Currently, both the Treasurer and City Attorney review and approve these refunds (typically small in amount) and delegating the authority to the Treasurer would result in savings of the additional time and expense required to issue small refunds.

There would be minimal fiscal impact to the City. The majority of refunds are generated due to pro-ration of personal property taxes, said refunds totaling less than \$27,000 in fiscal year 2006/2007. It should also be noted that savings would be realized by reducing the number of man hours required to issue small refunds.

Mr. Wilmot explained that the law required such actions to come through the Treasurer and the City Attorney. It required many hours and much paperwork. State law allows the Treasurer to process refunds under \$2,500.00 without the City Attorney, upon approval of City Council.

Motion was made by Councilor Sealey, and seconded by Councilor Harris, to approve ordinance on first reading (Ord. No. 2007-10) to delegate authority to the Treasurer to approve and issue refunds up to \$2,500.00 each of erroneously assessed taxes. Upon the roll call, the vote resulted

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

REGULAR BUSINESS - TERESA BATTON, TREASURER & DEBBIE REASON, COMMISSIONER OF THE REVENUE - RECOMMENDATION FOR 2007 BUDGET RESOLUTION FOR PERSONAL PROPERTY TAX RELIEF PERCENTAGE

Teresa Batton, City Treasurer and Debbie Reason, Commissioner of the Revenue, have proposed a recommendation to approve a budget resolution for personal property tax relief percentage of 60% for qualifying vehicles for tax year 2007.

Per Ordinance No. 2005-21, Section 2.(b), City Council must set the percentage of tax relief yearly as part of its annual budget. It is recommended that City Council set the 2007 tax relief percentage at 60% for qualifying vehicles.

The percentage of tax relief has to be recalculated annually and is based on information downloaded monthly by the Commissioner's Office from the Division of Motor Vehicles. The Commissioner's personal property tax book is generally completed in August and due by September 1st of each year. The tax rate for personal property was set during the 2007 budget process and remained \$3.05 per hundred. The tax relief percentage does not change the amount of the personal property tax levy for 2007; however, it establishes the portion estimated to be applied as tax relief from the lump sum of \$1,618,030.00 paid annually by the State.

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Motion was made by Vice Mayor Pelham, and seconded by Councilor Harris, to resolve to approve the 2007 Budget Resolution for Personal Property Tax Relief Percentage. Upon the roll call, the vote resulted

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

RESOLUTION

A RESOLUTION SETTING FORTH THE PERSONAL PROPERTY TAX RELIEF PERCENTAGES FOR 2007, IN THE CITY OF HOPEWELL, VIRGINIA IN ACCORDANCE WITH THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998 AND THE 2005 APPROPRIATIONS ACT

WHEREAS, the Personal Property Tax Relief Act of 1998, Virginia Code Section 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provision of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

WHEREAS, these legislative enactments require the City of Hopewell, Virginia to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the City of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hopewell, Virginia, that qualifying vehicles situated within the City during the tax year 2007, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at more than \$1,000 and up to \$20,000 will be eligible for 60% tax relief;
- Personal use vehicles valued at more than \$20,000 shall only receive 60% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (e.g., business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years expired on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

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**REGULAR BUSINESS - AUTHORIZE EXTENSION OF GENERAL OBLIGATION BANK
NOTE TO JULY 19, 2009 - SUNTRUST BANK \$1,214,000.00**

Interest on the \$1,214,000 Note at SunTrust Bank will be paid semi-annually, in arrears, on May 1 and November 1. There is no amortization. Principal will be paid at maturity. The City will have the ability to prepay the Note, at any time, without penalty. Documentation: Note Agreements between SunTrust and the City; Executed General Obligation resolution(s) from the City Council; Statement of no material change in financial position, since June 30, 2006 Comprehensive Annual Financial Statements ("CAFR"); Annual receipt of the City's CAFR; others as required by Bond Counsel.

The City will pay all fees and expenses of the transactions including but not limited to reasonable fees and expenses of its Counsel.

Motion was made by Vice Mayor Pelham, and seconded by Councilor Harris, to resolve to authorize Extension of General Obligation Bank Note to July 19, 2009 - SunTrust Bank, \$1,214,000.00. Upon the roll call, the vote resulted

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

RESOLUTION

A Resolution Authorizing the Refinancing and Extension of the Period of the City's Existing Note with SunTrust Bank in the Amount of \$1,214,000.00

WHEREAS, on August 16, 2002, Bonds were issued on behalf of the City, in association with the payment of the clean up costs of the Exeter property; and

WHEREAS, the City obtained a loan from SunTrust Bank, in the amount of \$1,214,000.00, to finance a portion of said clean-up costs; and

WHEREAS, an opportunity has arisen to refinance said loan, to extend its maturity date upon terms and at a rate favorable to the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hopewell, that the City Manager is hereby authorized to execute all documents and take all other actions necessary and appropriate associated with refinancing said \$1,214,000.00 loan for two (2) years upon the terms and conditions attached to this Resolution.

This Resolution shall take effect immediately upon its passage, as an emergency measure.

REGULAR BUSINESS - APPOINTMENTS TO BOARDS & COMMISSIONS

There were no appointments made.

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REPORT OF COUNCIL COMMITTEES

No reports.

REPORTS OF CITY COUNCIL MEMBERS

Councilor Bailey thanked Scott Firestone, Director of the ARLS, who was an important part of the outdoor movie, "Happy Feet" shown recently. Another outdoor movie will be shown on the second to last Monday of the month, July 23. She also announced, "Today at the River," on Friday, July 27, 3:00-8:00 PM. There will be many activities, including kayaks and canoes.

Councilor Cuffey commended Mrs. Rose for the recent Juneteenth Celebration; it was very informative. He thanked the committee and everyone who worked with her. He congratulated Sheriff's Deputy David Silvestro upon being named as Harbor Master. He reminded citizens that there would be no other Council meeting in July. Councilor Cuffey commended the Hopewell Police Department for doing such a great job. He appreciated all their hard work.

Councilor Sealey announced the Welcome for Ed Daley, the new City Manager, on Thursday, July 12, at 5:30 PM at the Beacon Theatre, sponsored by the Hopewell/Prince George Chamber of Commerce. All are invited. On the Friday before last, his 93-year-old father had some health problems and was brought to JRMC where he received excellent treatment. He complimented Bernie Boone and the nursing staff at the hospital.

Councilor Emerson reported that he had just returned from an 11-day vacation. He appreciated not having to come back to make quorum for a Special Meeting. He looked forward to the Ward #3 tour with the City Manager on Thursday morning.

Vice Mayor Pelham was happy to have addressed the curfew issue. But she was sorry to have to legislate parenting. More teen activities are needed in Hopewell. She announced a meeting on Friday, July 13 at 7:00 PM at Hopewell High School to help bring the Lord's Prayer back into school. Everyone is welcome. She also announced a Revival Against Crime and Drugs all this week at 7:00 PM at Five Forks (Arlington Road, Berry Street and Route #156). On Friday, July 20, Thomas Rolfe Court will sponsor Family Fun Day from noon to 4:00 PM. City Council and administration are invited. On Wednesday, July 25 there will be a Twin Rivers meeting of the Waterfront Development Committee at the Library. Vice Mayor Pelham thanked Mrs. Rose and Tevya Griffin for their work on the Juneteenth Celebration and reception following at the art gallery. She also commended the Police Department. She will tour Ward 2 on Thursday from noon to 2:00 PM with Dr. Daley. She apologized to citizens for her outburst earlier. Finally she thanked Mr. Altman for his fine job as Interim City Manager, thanked staff, and welcomed Dr. Daley.

Mayor Taylor welcomed Dr. Daley and also announced that he is the incoming President of the International City Managers Association (ICMA). The Mayor called for a five-minute recess before going into Closed Session to discuss Personnel (Performance Evaluations: City Attorney & City Clerk).

CLOSED SESSION

Motion was made by Councilor Bailey, and seconded by Councilor Harris, to resolve to convene into Closed Session to discuss Personnel (Performance Evaluations: City Attorney & City Clerk) in accordance with Va. Code Sec. 2.2-3711 (A) (1). Upon the roll call, the vote resulted

Councilor Bailey	-	yes
Councilor Harris	-	yes

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Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

At 12:24 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Bailey	-	absent
Councilor Harris	-	absent
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

ADJOURN

At 12:24 PM, **motion** was made by Councilor Cuffey, and seconded by Councilor Sealey, to adjourn the meeting. Upon the roll call, the vote resulted:

Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes
Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes

Steven R. Taylor, Mayor

Ann M. Romano, City Clerk